

REMARKS

Claims 1-3, 7-9 and 11 are pending in this application. By this Amendment, claims 1, 3 and 7-9 are amended. The amendments introduce no new matter. Claim 10 is canceled without prejudice to, or disclaimer of, the subject matter recited in that claim. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, in paragraphs 2 and 3, rejects claims 1-3 and 7-11 under 35 U.S.C. §112, first paragraph. The amendments to claim 1 obviate these rejections. Reconsideration and withdrawal of the rejections of claims 1-3 and 7-11 under 35 U.S.C. §112, first paragraph, are respectfully requested.

The Office Action rejects claims 1-3 and 7-11 under 35 U.S.C. §112, second paragraph, on various grounds. The amendments to claims 1, 3 and 7-9 obviate these rejections with respect to items 5(a), (b), (d) and (e). Regarding the use of the term "special" in claims 8 and 9, Applicants maintain that the use of "special modified silicone oil" in claims 8 and 9 is specifically and adequately supported by Applicant's disclosure, as filed, and would be understood as an art-recognized term. Reconsideration and withdrawal of the rejections of claims 1-3 and 7-11 under 35 U.S.C. §112, second paragraph, are respectfully requested.

The Office Action rejects claims 1-3 and 7-11 under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2005/0181172 to Hirai et al. (hereinafter "Hirai"). This rejection is respectfully traversed.

Hirai is not available as prior art with respect to the subject matter of the pending claims. The present application is National Stage of PCT application PCT/JP03/09182 filed on July 18, 2003. An English-language translation of the international application was filed on February 3, 2005 and a copy of the International application as filed has been

communicated by the International Bureau. Applicant also claims priority to JP-A-2002-240853 filed on August 21, 2002.

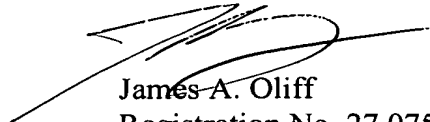
In determining the priority date of a reference under 35 U.S.C. §102(e), it must be determined whether the International application was published under PCT article 21(2) in English (see MPEP §2136.03(II)). If the International application was not published in English, the International filing date does not constitute a U.S. filing date. Hirai is a national stage application of PCT/JP03/04622 (WO 03/090929). WO 03/090929 was not published in English and, therefore, Hirai is not entitled to a U.S. filing date of the PCT application. As such, Hirai does not qualify as prior art under 35 U.S.C. §102(e) with respect to the subject matter of the pending claims.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-3 and 7-9 and 11 under 35 U.S.C. §102(e) are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 7-9 and 11 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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